

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES MICHAEL YOUPEE,

Defendant.

CR 13–69–GF–DLC

ORDER

United States Magistrate Judge Keith Strong entered Findings and Recommendation in this matter on September 25, 2013. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

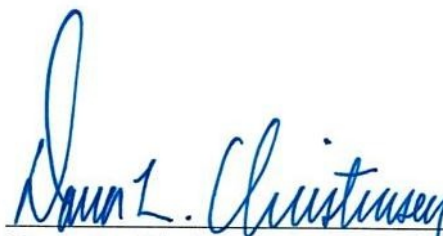
*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Strong recommended this Court accept James Michael Youpee's guilty plea after Youpee appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of Assault Resulting in Serious Bodily Injury (Count III), as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts I and II of the Indictment.

I find no clear error in Judge Strong's Findings and Recommendation (Doc. 21), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that James Michael Youpee's motion to change plea (Doc. 14) is GRANTED.

DATED this 3<sup>rd</sup> day of December, 2013.



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Dana L. Christensen, Chief District Judge  
United States District Court